THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 18881 of 2007

Dated: 12.11.2007

Between:

Sree Sree Sree Nalla Pochamma Temple
Committee, Balkampet, Hyderabad, A.P.,

... Petitioner

AND

The Greater Hyderabad Municipal Corporation
rep., by its Commissioner, Tank Bund, Hyderabad
A.P., and others.

... Respondents

Counsel for the petitioner : None

Counsel for the respondents : Sri K. Rama Rao

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WRIT PETITION No. 18881 of 2007

ORDER:-

Though no one has appeared for the petitioner, in view of the averments contained in the counter-affidavit filed on behalf of respondent No.1, I deem it appropriate to dispose of the writ petition on merits.

The main grievance of the petitioner is that without its permission a cement concrete road is sought to be laid on the land belonging to Sri Nalla Pochamma Temple, Balkampet.

In the counter-affidavit filed by the Executive Engineer, Circle No.5, Greater Hyderabad Municipal Corporation, it is averred as under:

> "5) In reply to para 5 of the affidavit, it is respectfully submitted that it is true that a proposal was made to lay a CC road in the graveyard on the request of Hon'ble M.P. Sri Anjan Kumar Yadav under Member of Parliament Local Area Development Scheme (MPLADS) (on the request of the local residents) and on physical verification it is observed that the distance between the burning platform and nalla Pochamma temple is around 10-12 mts approximately and both are in one premises having a common boundary wall and the dispute regarding the land of Nalla Pochamma temple did not arise earlier. Further no work is being taken up in the land belonging to Nalla Pochamma temple.
> 6) In reply to para 6 of the affidavit, it is respectfully submitted that the 1st respondent Corporation authorities have no intention to encroach the temple land as stated

by the petitioner. As already stated supra, a specific demarcation is to made in the presence of 1st respondent corporation authorities and till such time no work will be taken by the respondents."

In view of the categorical statement contained in paras 5 and 6 as reproduced above that no road will be laid on the land belonging to Sri Nalla Pochamma temple and that the work of construction of road will not be commenced until proper demarcation is made, the writ petition is disposed of as infructuous.

As a sequel to disposal of the writ petition as infructuous, WPMP.No.24286 of 2007 filed by the petitioner for interim relief is also disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

Date: 12.11.2007
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